

REMARKS

The Examiner has rejected Claims 1, 3, 4, 7, 12-14, 16-17, 20, 25-31, 34, and 38-40 under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al. (U.S. Patent No. 6,075,863), in view of Chi (6,006,329), in view of Lerche et al. (U.S. Patent No. 5,511,163), and further in view of VirusScan ("User's Guide, VirusScan for Windows 95"). Further, the Examiner has rejected Claims 9, 22, and 43 under 35 U.S.C. 103(a) as being unpatentable over Krishnan, in view of Chi, in view of Lerche, and in further view of Makinson et al. (U.S. Patent No. 7,023,861). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the subject matter of former dependent Claim 9 et al.

With respect to the rejection of former dependent Claim 9 et al. (now at least substantially incorporated into the independent claims), applicant respectfully asserts that the Makinson reference and the present application were both owned by and/or subject to an obligation of assignment to Networks Associates Technology, Inc. at the time of invention of the subject matter in the present application. Thus, the Makinson reference is believed to be disqualified as a prior art reference under 35 U.S.C. 103(c).

In particular, the Makinson reference has issued after the filing date of the present application (12/20/2001). Therefore, as a result, Makinson is disqualified as prior art to the present invention under 35 U.S.C. 103(c). Please find the attached statement signed by an attorney of record indicating that Makinson and the present application were both owned by and/or subject to an obligation of assignment to Networks Associates Technology, Inc. at the time of invention of the subject matter in the present application.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NA11P056).

Respectfully submitted,  
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
408-505-5100